

Mr. DeLAY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, when the United States sends its Armed Forces into harm's way, we do it to defend freedom and to maintain our commitment to the principles enumerated by our founding documents. It would be an irony of the cruelest sort if the men and women of America sends out to defend the spirit of our Constitution were denied its protections.

We ask a lot of our Armed Forces. We should not ask them to sacrifice their constitutional rights merely to serve as pawns for an International Criminal Court that may pursue political vendettas at the expense of the individual American soldiers. If the Congress allowed such a thing to happen, we would not only be abdicating our duty to the Nation, we would be abandoning the sacred covenant between Congress and our men and women in uniform.

The birth of this rogue court forces Members to choose between appeasing international bureaucrats and defending the rights of our servicemembers. The choice is stark, defined and, I think, unavoidable. There is no middle ground here. Members can side with the United Nations or defend our military.

Last week, we were reminded how fickle the U.N. can be when a cabal of human rights abusing nations were voted onto the Human Rights Commission and the United States was booted off. Now these same people may become the highest authority on international law. But make no mistake, unlike the Commission on Human Rights whose power is mainly rhetorical, the ICC poses a real threat to our Nation's military. We simply cannot allow American soldiers to fall under the jurisdiction of the ICC.

Under its terms, Americans could be brought before the court and tried without important rights. They could be denied a jury trial. They could be denied cross-examination of hostile witnesses. Americans could even be forced to give self-incriminating testimony. This amendment will make it clear that the United States cannot support a court that places our citizens in the hands of U.N. bureaucrats. It will erect essential legal barriers to protect Americans, and it will strengthen our ability to demand changes to the court.

Last year, I received a letter supporting this amendment signed by 12 of the most respected foreign policy advisers to every President from Nixon to President Clinton. This amendment is supported by the VFW, the Fleet Reservists, the Noncommissioned Officers and the Reserve Officers, just to name a few.

Mr. Chairman, we must remain cautious and watchful stewards of our American sovereignty. Many nations have many reasons to erode our rights. Members should not fail our first principles by allowing an unaccountable international entity to trample core

American freedoms. Support this amendment and stop that from happening.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this amendment, and I ask all of my colleagues to oppose it as well. Clearly there is not a single Member of this House on either side who is not fully, enthusiastically and without any reservation and qualification in favor of protecting our military personnel serving abroad. That is clearly not the issue that this amendment raises. As my friend and colleague from Massachusetts so eloquently and precisely outlined, there is no chance of American military personnel being tried by the International Criminal Court. That court, once it comes into being on a permanent basis, is not designed to deal with servicemen and service-women performing peacekeeping or other duties overseas. The International Criminal Court is designed to deal with international criminals.

At the end of World War II, the United States led the way in obtaining international justice by helping to establish the Nuremberg trials and playing the key role in the Nuremberg Tribunal. At the moment, international criminals who perpetrated the most outrageous violations of human rights, including mass rape and mass murder, are before an ad hoc International Criminal Court which deals with events in the former Yugoslavia during the early 1990s.

In dealing with this legislation, Nobel prize winner Elie Wiesel wrote to the committee in part as follows:

Fifty years ago the United States led the world in the prosecution of Nazi leaders for the atrocities of World War II. The triumph of Nuremberg was not only that individuals were held accountable for their crimes but that they were tried in a court of law supported by the community of nations.

A vote for this amendment would mean our acceptance of the impunity of the world's worst atrocities. The memory of the victims of past genocide and war crimes compels us to take this issue, the issue of an International Criminal Court, seriously.

Now, it is important to note that the proposals discussed in Rome were not perfect. We were proposing modifications and amendments. And I think it is critical we remain engaged in that process. But to flat out oppose the creation of an International Criminal Court is not worthy of this body.

I would also like to mention, Mr. Chairman, as the gentleman from Massachusetts (Mr. DELAHUNT) so accurately and effectively indicated a few minutes ago, that our servicemen and women will be tried by military courts of our own if they engage in transgressions. The notion that international criminal courts are designed to punish U.S. servicemen is one that escapes me and many of my colleagues.

I urge my colleagues to reject this amendment which is unquestionably well intended but is widely off the mark. We are talking about international war criminals such as the ones in Bosnia, such as the ones in Kosovo, such as the ones during the Second World War in Germany and not American servicemen and women doing their duty.

Mr. Chairman, I reserve the balance of my time.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from South Carolina (Mr. SPENCE), the former chairman of the Committee on Armed Services.

Mr. SPENCE. I thank the gentleman for yielding me this time.

Mr. Chairman, as a member of the Committee on Armed Services, I rise in strong support of this amendment. I commend the gentleman from Texas (Mr. DeLAY) for bringing this important amendment to the floor. It would protect American military and government personnel from prosecution by an international criminal court operating outside United States sovereignty.

America's men and women in uniform are our best and brightest. They risk their lives every day all around the world in defense of our country's freedom and values. They should not be subjected to the risk of prosecution by an international body that operates on procedures inconsistent with the United States Constitution. This amendment would prevent this from happening.

Last November, 12 former high-ranking United States Government officials, including former Secretaries of State, Defense and Directors of Central Intelligence, supported legislation similar to this amendment that would extend protection from international prosecution to our military personnel.

During his confirmation process, Secretary Rumsfeld warned that without such protection, U.S. personnel could be exposed to politically motivated prosecution.

Even former President Clinton, who signed the treaty last December, conceded that it contained significant flaws and refused to recommend its ratification by the Senate.

Mr. Chairman, this amendment would give our military service personnel the legal protection they deserve, and I urge my colleagues to support it.

Mr. LANTOS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, it is an honor for me to have this opportunity to talk with the gentleman from California and with my colleagues about the International Criminal Court. As a survivor of the Holocaust, he is a steadfast reminder to all of us that these kinds of war crimes are right in front of us every single day.

It is amazing to me that we would be standing in the well of this House talking about this issue, the amendment of